REMARKS/ARGUMENTS

The Office Action of January 17, 2006 and the Advisory Action of April 24, 2006 have been carefully reviewed and these remarks are responsive thereto.

Claims 1-4 and 7-12, 14-20, and 22-42 are pending. Claims 1-4, 8, 10-14, 16-19, 21-22, 24-25, 27-29 and 33 were rejected under 35 U.S.C. 102(b) as being anticipated by Stahl (5,422,173). Claims 7, 15, 20, 30-32 and 38-41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stahl in view of Mahn (4,971,644). Claims 9, 23, 26, 34-37 and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stahl in view of either Conrad (4,662,878) or Castro (5,906,006). Claim 5 was rejected under 35 U.S.C. 112, second paragraph, as failing to comply with the written description requirement.

Rejection Under 35 U.S.C. § 112

Claim 5 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicant has cancelled claim 5 rendering the rejection moot.

Rejection Under 35 U.S.C. § 102(b)

Claims 1-4, 8, 10-14, 16-19, 21-22, 24-25, 27-29 and 33 were rejected under 35 U.S.C. 102(b) as being anticipated by Stahl (5,422,173).

Stahl is directed to a method of producing a multi-colored emblem with an embroidered appearance, the emblem being heat sealable onto difficult-to-adhere fabrics. *See* Abstract. Initially, a first textile element 22 and an adhesive element 24 are joined. More particularly, Stahl states that first textile element 22 is laminated on one side with an adhesive element 24 of a thermoplastic material. The combination of first textile element 22 and adhesive element 24 is then cut to the configuration of a letter such as A or any other symbol in a die 36, as shown in Figure 4 (see Stahl, column 3, lines 31-43). As depicted in Figures 2 and 4, this procedure forms first textile element 22 and adhesive element 24 to have substantially identical dimensions. Once first textile element 22 and adhesive element 24 are joined and cut, "the letter blank is sewn, as illustrated in FIG. 5, with a thread 38 about its peripheral edges to produce an embroidered appearance" (Stahl, column 3, lines 44-46).

A similar process is then performed for second textile element 26 and an adhesive element 24'. That is, second textile element 26 and adhesive element 24' are joined, cut to substantially identical dimensions (see Figures 2 and 6), and "then stitched around its peripheral edges with a thread 42 as shown in FIG. 7 to produce an embroidered appearance" (Stahl, column 3, lines 54-56).

Once each element is joined, cut, and stitched, first textile element 22 is joined to second textile element 24 with adhesive element 24, as depicted in Figure 8. Another adhesive layer 28, which is ultimately utilized to secure the emblem to apparel, is then secured to adhesive layer 24', as depicted in Figure 9.

In contrast, the method of joining a plurality of textile elements, as recited in amended independent claim 1, recites, among other steps, "shaping the second textile element, the third textile element and the adhesive element to have substantially similar dimensions" and "shaping the first textile element to have a greater area than the second textile element, the third textile element, and the adhesive element." Similarly, the method of joining a plurality of textile elements, as recited in amended independent claim 16, recites, among other steps, "the second textile element and the adhesive element have substantially similar dimensions, the first textile element having a greater area than the second textile element and the adhesive element."

With respect to independent claim 1, the Office Action equates items 22 and 26 of Stahl with the second and third textile elements. However, in Stahl the second textile element 22 has lesser area than the third textile element and the adhesive element. That is, Stahl teaches forming second textile element 22 to be smaller than third textile element. Accordingly, Stahl does not teach or suggest the relative dimensions between textile elements recited by independent claim 1.

In addition, the Office Acton equates paper carrier 30 with Applicants claimed first textile element. Applicant respectfully submits that paper carrier 30 of Stahl can not be equated with the first textile element. Moreover, even with the Office Actions construction, the claimed feature of "shaping the first textile element to have a greater area than the second textile element, the third textile element and the adhesive element" is not shown in Stahl as the first textile element 30, the adhesive element 28, and second textile element 26 have the same dimensions. Therefore, for at least these reasons Applicant respectfully submits that independent claim 1 is

allowable over Stahl. Dependent claims 2-4, 7-12, and 15 are allowable for at least the same reasons as independent claim 1 from which they ultimately depend.

Independent claim 16 includes the claimed feature of "the second textile element and the adhesive element have substantially similar dimensions, the first textile element having a greater area than the second textile element and the adhesive element." The Office Action equates item 26 to be the first textile element and item 22 to be the second textile element. However, due to the Office Actions construction (first textile element 26 and second textile element 22), Applicants claimed feature of "forming a first bond between the second textile element and the adhesive element through the application of heat and pressure to define a bonded area and an unbonded area on a first side of the second textile element, the first bond being located on the first side of the second textile element and in a spaced relationship with at least some of outer edges of the second textile element" is not met.

The step of forming a bond that includes a bonded area and an unbonded area on a first side **of the second textile element** where the bond is located in a spaced relationship with some of the outer edges of the same textile element is not shown or taught by Stahl. Indeed, Stahl teaches away from the methods of claims 1 and 16 in that Stahl teaches applying an adhesive layer 24 and 28 across the entirety of the blanks 22 and 26, respectively, and therefore does not teach a bonded and unbonded area on a side of a textile element where the bond is spaced from the edges of the same textile element. *See* Col 3, lines 15-22; Col. 4, lines 4-13; Figs. 2, 8, 9 and 11. Therefore, for at least this reason Applicant respectfully submits that independent claim 16 is in condition for allowance. Dependent claims 17-20 and 22-23 are allowable for at least the same reason as independent claim 16 from which they ultimately depend.

Similarly, independent claim 24 is not anticipated by Stahl. Claim 24 recites, among other features, an article including "a second textile element defining an outer perimeter, the second textile element extending over the first textile element and bonded only at the outer perimeter to the first textile element." Stahl simply does not teach the technique of seam bonding discussed in the specification and recited by claim 24. Rather, as discussed above, Stahl teaches applying an adhesive layer across the entirety of the blanks to join the blanks together in a stacked manner, that is, one blank on top of the other. Additionally, Stahl does not teach the recited article of claim 24 including the three textiles bonded in the manner described in the

claim. Rather, Stahl teaches two arguable textile elements -- blank 22 joined to blank 26. The Office Action identifies element 30 as a third textile element; however, element 30 is a paper carrier for the adhesive element 28, and not the recited textile element. For these reasons, Stahl does not anticipate claim 24. Moreover, dependent claims 25-33 are also allowable for at least the same reasons as independent claim 16 from which they ultimately depend.

Rejection Under 35 U.S.C. § 103(a)

Claims 7, 15, 20, 30-32 and 38-41 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stahl in view of Mahn (4,971,644). Claims 9, 23, 26, 34-37 and 42 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stahl in view of either Conrad (4,662,878) or Castro (5,906,006).

For the same reasons expressed above, Mahn, Conrad or Castro does not render obvious the pending application because these references do not obviate the noted deficiencies in Stahl. Mahn discloses a method of applying a heat activated transfer to a substrate. *See* Col. 2, line 45. The heat activated transfer includes an upper bearing layer and a lower heat activated adhesive layer. This is applied to a cloth. Col. 2, line 46-49. Mahn does not teach or suggest forming a bond that has a bonded area and an unbonded area on a side of a textile element, nor does Mahn teach the technique of forming a bond only at an outer perimeter on the same textile element. Consequently, Mahn does not render obvious the pending claims.

Moreover, Conrad or Castro does not render obvious the pending application because Conrad teaches the use of an "interposed layer of thermoplastic or glue" which extends across the entirety of a patch that is to be attached to a garment. See Col. 1, lines 23-26. Likewise, Castro teaches attaching a logo or emblem across headwear by adhesives, presumably applied across the entirety of the logo.

For the foregoing reasons, the Applicant respectfully submits that claims 7, 9, 15, 20, 23, 26, 30-32, 34-37 and 42 are allowable over Stahl in view of Mahn, Conrad or Castro.

It is believed that all claims are in allowable condition. The Commissioner is hereby authorized to charge any fee due or credit any overpayment of fee to Deposit Account No. 19-0733

All rejections and objections having been addressed, the Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,

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